

Message Text

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ACTION IO-10

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TO SECSTATE WASHDC IMMEDIATE 4616

INFO AMEMBASSY MEXICO IMMEDIATE

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E.O. 11652: N/A

TAGS: ECOSOC, UN, MX

SUBJECT: 59TH ECOSOC: ITEM 21, TRANSPORT OF DANGEROUS GOODS

1. MEXICAN DELEGATION HAS INSTRUCTIONS TO SEEK AMENDMENT OF US DRAFT RESOLUTION E/L 1649 BY CHANGING OPERATIVE PARA 2 SO AS TO REQUEST "UNCTAD INTERGOVERNMENTAL PREPARATORY GROUP FOR AN INTERNATIONAL CONVENTION ON INTERMODAL TRANSPORT, IN CONSULTATION WITH THE COMMITTEE OF EXPERTS' TO STUDY THE POSSIBILITY OF DRAFTING AN INTERNATIONAL CONVENTION ON THE TRANSPORT OF DANGEROUS GOODS AND REPORT BACK TO ECOSOC. THIS WOULD BE ACCOMPANIED BY A NEW PREAMBULAR PARA "BEARING IN MIND" THE WORK OF THE UNCTAD GROUP. AS DEPARTMENT IS AWARE, OUR DRAFT RESOLUTION REQUESTS COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS TO CONDUCT THIS STUDY, AND AUSTRALIAN AMENDMENT (WHICH WE HAVE ACCEPTED) ADDS "IN CONSULTATION WITH OTHER INTERESTED BODIES AND IN PARTICULAR UNCLASSIFIED

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ICAO AND IMCO".

2. WE, THE BRITISH AND SOME OTHERS HAVE BEEN TRYING TO TALK THE MEXICANS OUT OF THIS ON THE GROUNDS THAT THE UNCTAD COMMITTEE HAS NO COMPETENCE IN THIS FIELD AND IS CONCERNED WITH LEGAL AND RELATED ASPECTS OF INTERMODAL TRANSPORT BUT NOT REPEAT NOT WITH PACKAGING, HANDLING, ETC. FOR SAFETY PURPOSES; AND THAT EXPERTS COMMITTEE, WHICH HAS BEEN WORKING ON SAFETY STANDARDS FOR YEARS, IS CLEARLY THE APPROPRIATE BODY. WE HAVE ALSO MADE THE POINT THAT THE THREE RESOLUTIONS ON THIS SUBJECT SHOULD NOT AGAIN BE DELAYED, AS ECOSOC ACTION ON THEM IS NEEDED FOR EXPERT COMMITTEE'S ONWARD WORK STARTING AUGUST AND FOR IMCO AND IATA TO INCORPORATE LATEST REVISIONS INTO THEIR STANDARDS. REPRESENTATIVES OF IMCO, ICAO AND ECE SECRETARIAT (WHICH BACKSTOPS EXPERTS COMMITTEE) AS WELL AS OTHER INTERESTED WEOS AND SOVIETS, ARE EQUALLY UNHAPPY ABOUT MEXICAN PROPOSAL. UNFORTUNATELY, INFORMAL MEETING OPEN TO ANY INTERESTED PARTIES CALLED LATE LAST WEEK TO WORK OUT ANY WRINKLES IN THIS AGENDA ITEM WAS NOT ATTENDED BY MEXICANS OR ANY OTHER THIRD WORLD COUNTRIES, APPARENTLY BECAUSE OF A CONFLICTING MEETING.

3. AS FAR AS WE CAN DETERMINE, MEXICO'S SOMEWHAT ILL-DEFINED INTEREST IS IN STEERING THE POSSIBLE CONVENTION QUESTION AT AN EARLY STAGE INTO A MORE BROADLY REPRESENTATIVE BODY OF ECONOMISTS, WITH PROPORTIONATE THIRD WORLD REPRESENTATION, SO AS TO ASSURE CONSIDERATION OF THE ECONOMIC IMPACT OF SAFETY STANDARDS, PARTICULARLY ON THIRD WORLD COUNTRIES; THEY ALSO ARGUE THAT A MORE TECHNICAL REPRESENTATIVE BODY IS NEEDED AS A LAYER BETWEEN THE EXPERTS COMMITTEE AND ECOSOC. THIS LINE MIGHT HAVE SOME SUPERFICIAL APPEAL AMONG THIRD WORLD DELEGATIONS.

4. ON THE OTHER HAND, MEXICO HAS SO FAR SHOWN NO PARTICULAR INTEREST HERE IN EXPANDING THE EXPERTS COMMITTEE TO INCLUDE A FEW THIRD WORLD MEMBERS, NOR HAS THIS IDEA SURFACED AS YET FROM OTHER THIRD WORLD DELEGATIONS, ALTHOUGH WEOS (INCLUDING OURSELVES) AND UNCLASSIFIED

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SOVIETS WOULD BE RECEPTIVE IF IT DID, PER OUR DISCUSSION IN AFOREMENTIONED INFORMAL MEETING.

5. LATEST INDICATION FROM MEXICANS IS THAT THEY MIGHT BE WILLING TO FIND SOME COMPROMISE FORMULA TO DISCUSS WITH US, BUT THEY FIRST WANT TO WORK IT OUT WITH A FEW KEY THIRD WORLD COLLEAGUES AND PRESENT RESULTANT FORMULA TO GROUP OF 15 (REPRESENTING G-77) BEFORE PUTTING IT

TO US. WE ARE ALSO PURSUING MATTER WITH BRAZILIANS, ARGENTINES, EGYPTIANS AND PAKISTANIS, WHO SHOWED INTEREST IN GENERAL SUBJECT AT 58TH ECOSOC. BRAZILIANS HAVE OFFERED TO BE HELPFUL TO US.

6. WE BELIEVE A REASONABLE COMPROMISE WOULD BE TO ADD "SHIPPING COMMITTEE OF UNCTAD" (PARENT BODY OF INTER-GOVERNMENTAL PREPARATORY GROUP) TO AUSTRALIAN AMENDMENT SO THAT EXPERTS COMMITTEES WOULD BE ASKED TO CONDUCT THE STUDY "IN CONSULTATION WITH OTHER INTERESTED BODIES AND IN PARTICULAR ICAO, IMCO AND SHIPPING COMMITTEE OF UNCTAD". THIS WOULD AT LEAST BE HARMLESS EVEN THOUGH THE SHIPPING COMMITTEE MIGHT HAVE LITTLE TO SAY. WE WOULD THEN AGREE TO THE MEXICAN PREAMBULAR PARA AS EQUALLY HARMLESS. (SECRETARIAT REP OF SHIPPING COMMITTEE AGREES WITH OUR BASIC POSITION AND FINDS THIS COMPROMISE ACCEPTABLE.

7. MEXICO HAS ALSO SUGGESTED THREE MINOR COSMETIC CHANGES TO PREAMBULAR PART OF US RESOLUTION AND TO UK RESOLUTION, WHICH WE AND BRITISH ARE DISPOSED TO ACCEPT.

8. ACTION REQUESTED:

A. DEPARTMENT'S AUTHORITY IS REQUESTED SOONEST TO NEGOTIATE A COMPROMISE ALONG THE LINES OF PARA 5 ABOVE, GIVING US SUFFICIENT FLEXIBILITY SO THAT WE CAN AGREE ON POSSIBLE VARIANTS, IN CONSULTATION WITH WEOS AND SOVIETS WHO HAVE PARTICULAR INTEREST IN EXPERTS COMMITTEE. (CHAIRMAN OF ECONOMIC COMMITTEE IS PRESSING TO GET ON WITH THIS ITEM.)

B. IF DEPARTMENT AGREES, IT WOULD BE APPRECIATED
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IF EMBASSY MEXICO COULD TAKE THIS UP WITH FOREIGN MINISTRY SOONEST, DRAWING ON ARGUMENTS AGAINST MEXICAN PROPOSAL GIVEN IN PARA 2 ABOVE AND (IF AGREED) ADVANCING OUR SUGGESTED COMPROMISE PER PARA 5 ABOVE.

9. ADDITIONAL BACKGROUND FOR EMBASSY MEXICO: COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS IS A HIGHLY TECHNICAL TEN-MAN COMMITTEE (WITH ADVISERS), APPOINTED BY SECGEN IN CONSULTATION WITH INTERESTED GOVERNMENTS AND OPERATING DIRECTLY UNDER ECOSOC. PRESENT MEMBERSHIP IS ENTIRELY FROM INDUSTRIALIZED WORLD (INCLUDING TWO EES), NO LDCS HAVING COME FORWARD SINCE CHILE LEFT A NUMBER OF YEARS AGO. SAFETY STANDARDS FOR PACKING, HANDLING, ETC. ARE RECOMMENDED TO GOVERNMENTS AND INTERNATIONAL ORGANIZA-

TIONS AND ARE REGULARLY INCORPORATED INTO STANDARDS SET BY IATA (WITH ENDORSEMENT OF ICAO) AND BY IMCO. COMMITTEE REPORT NOW BEFORE ECOSOC RECOMMENDS LATEST AMENDMENTS OF MASSIVE (SIX VOLUME) STANDARDS FOR THOUSANDS OF ITEMS, WHICH ARE CONSTANTLY UPDATED AND REVISED. US MEMBER (FROM DOT) BEING CURRENT CHAIRMAN OF COMMITTEE, US HAS PRESENTED TO ECOSOC TWO RESOLUTIONS ON BEHALF OF COMMITTEE (ONE INTER ALIA CALLING FOR STUDY OF POSSIBLE CONVENTION AS ABOVE) AND UK HAS PRESENTED ANOTHER -- ALL AGREED TO BY COMMITTEE COUNTRIES. THESE WERE PRESENTED TO 58TH (SPRING) ECOSOC, BUT DEFERRED TO 59TH AT REQUEST OF MEXICO AND CERTAIN OTHER THIRD WORLD COUNTRIES. ABRAMS

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